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November 16, 1999

*BY HAND DELIVERY*

Ms. Magalie Román Salas  
Secretary  
Federal Communications Commission  
The Portals -- TW-A325  
445 - 12th Street, S.W.  
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**Attention: Mass Media Bureau**

**Re: Radio-Television Common Ownership Showing  
Pursuant to *Report and Order*,  
*Review of the Commission's Regulations*  
*Governing Television Broadcasting*,  
MM Docket No. 91-221**

Dear Ms. Salas:

On behalf of Jacor Communications Company, the sole shareholder of Jacor Broadcasting Corporation and Citicasters Co., enclosed is an original plus four copies of its showing regarding its common ownership of radio stations WLW(AM), WCKY(AM), WSAI(AM), WEBN(FM), WKRC(AM), WOFX(FM) and WVMX(FM), Cincinnati, Ohio, and WKFS(FM), Milford, Ohio, with WKRC-TV, Cincinnati, Ohio. These broadcast stations are currently under common ownership pursuant to a conditional waiver of the television-radio rule, 47 C.F.R. Section 73.3555(c). This showing is being submitted as directed in Paragraph 123 of the *Report and Order, Review of the Commission's Regulations Governing Television Broadcasting*, MM Docket No. 91-221 (released August 6, 1999).

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Respectfully submitted,

HOGAN & HARTSON L.L.P.

By:   
Marissa G. Repp  
F. William LeBeau

Attorneys for  
Jacor Communications Company

cc: Respective Public Inspection Files

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C.**

In re Radio-Television	)
Cross-Ownership Rule	)
	)
<b>Jacor Broadcasting Corporation</b>	)
WLW(AM) , Cincinnati, OH	)
WCKY(AM), Cincinnati, OH	)
WSAI(AM), Cincinnati, OH	)
WEBN(FM) , Cincinnati, OH	)
WKRC(AM) , Cincinnati, OH	)
WOFX(FM), Cincinnati, OH	)
WKFS(FM) , Milford, OH	)
	)
<b>Citicasters Co.</b>	)
WVMX(FM), Cincinnati, OH	)
WKRC-TV, Cincinnati, OH	)

Jacor Communications Company, which is the sole shareholder of each of the above-captioned licensees, hereby submits the attached statement regarding its ownership of the above-captioned broadcast stations pursuant to the terms of the *Report and Order* issued in MM Docket No. 91-221 on August 5, 1999. The undersigned hereby certifies under penalty of perjury that the attached statement is true and correct to the best of his personal knowledge, understanding and belief.

Respectfully submitted,

**JACOR COMMUNICATIONS  
COMPANY**

By: \_\_\_\_\_

Benjamin Homel

Its President

November 15, 1999

**STATEMENT**

Under rules effective on November 16, 1999 (the "Amended Rules"), the Commission has authorized the Mass Media Bureau to allow ownership of up to two television stations and six commercial radio stations, assuming such ownership is consistent with other Commission regulation, if, following the proposed acquisition, at least "20 independently owned voices would remain in the market" (the "20-Voice Test"). 1/ Also, under the Amended Rules, if a party complies with the above and other relevant Commission requirements, it instead may choose to own one television station and seven radio stations.

For purposes of the 20-Voice Test, the Commission has identified each of the following as an independent voice:

- any independently owned full power television station within the DMA of the Television Station's community of license;
- any independently owned full power radio station (commercial or noncommercial) that is either located in or has a reportable Arbitron share in the radio metro market where each relevant broadcast station is located;
- any English-language newspaper published at least four days a week within the television station's DMA and that have a circulation exceeding 5 percent of the DMA's households; and
- one cable system, if the DMA is "generally available to households in the DMA."

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1/ *Report and Order, Review of the Commission's Regulations Governing Television Broadcasting*, MM Docket No. 91-221, at ¶¶ 100-114, 123-124 (rel. Aug. 6, 1999) (the "Order"). See also 47 C.F.R. § 73.3555(c) (the "Radio-Television Cross Ownership Rule" or "Section 73.3555(c)").

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Other forms of media within the DMA – including DBS, MMDS, the Internet, etc. – do not qualify as independent voices under the Commission's Rules.

The *Order* directed all parties with combinations that have received conditional waivers of Section 73.3555(c) to file a statement of compliance with the Commission so that it or the Mass Media Bureau may consider granting permanent approval of part or all of the relevant combination under the Amended Rules. 2/

Since 1998, the following stations (the "Stations") in the Cincinnati DMA or Radio Metro have been commonly owned by subsidiaries of Jacor Communications Company ("JCC") pursuant to a conditional waiver of Section 73.3555(c) of the Commission's Rules: 3/

Station	Community of License	Relevant Market under § 73.3555(c)
WCKY(AM)	Cincinnati, OH	Cincinnati Radio Metro
WEBN(FM)	Cincinnati, OH	Cincinnati Radio Metro
WKFS(FM)	Milford, OH	Cincinnati Radio Metro
WKRC(AM)	Cincinnati, OH	Cincinnati Radio Metro
WLW(AM)	Cincinnati, OH	Cincinnati Radio Metro
WOFX(FM)	Cincinnati, OH	Cincinnati Radio Metro

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2/ See *Order* at ¶ 123.

3/ The Commission approved the transfer of control of Jacor Communications, Inc., of which JCC is a wholly-owned subsidiary (collectively, "Jacor"), to Clear Channel Communications, Inc. (collectively with Jacor, "Clear Channel") in April 1999. See 14 FCC Rcd 6867 (1999). As an element of that approval, the Commission continued the conditional waiver granted to Jacor with regard to the Stations. See FCC File Nos. BTC/BTCH-980805GE-GG.

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<b>Station</b>	<b>Community of License</b>	<b>Relevant Market under § 73.3555(c)</b>
WSAI(AM)	Cincinnati, OH	Cincinnati Radio Metro
WVMX(FM)	Cincinnati, OH	Cincinnati Radio Metro
WKRC-TV	Cincinnati, OH	Cincinnati DMA

Under the Amended Rules, this existing combination of one television station and eight radio stations is permitted to continue under the existing conditional waiver until the end of the Commission's 2004 biennial review, at which time Section 73.3555(c) itself will be re-evaluated. 4/ In addition, pursuant to paragraph 123 of the *Order*, Clear Channel hereby requests that the Mass Media Bureau approve, on a permanent basis, Clear Channel's common ownership of one television station and seven radio stations. Specifically, Clear Channel seeks permanent approval, pursuant to the *Order*, of the combination that includes WKRC-TV, WLW(AM), WKRC(AM), WSAI(AM), WEBN(FM), WOFX(FM), WVMX(FM), and WKFS(FM) (i.e., all of the above-listed stations except WCKY(AM)) (the "Revised Combination"). 5/

The following count of relevant other media demonstrates that, in light of the reasoning underlying the Amended Rules, the Revised Combination merits

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4/ *Order* at ¶ 124.

5/ Of course, the continued common ownership of the eighth radio station – WCKY(AM) – also will continue to be permitted pursuant to the grandfathered conditional waiver.

permanent approval. Specifically, if the Revised Combination were approved, 6/ the Cincinnati Market will continue to include at least 37 independent voices -- almost twice the 20 voices required -- including at least eight independent television voices. 7/ Accordingly, the relevant market demonstrates sufficient diversity and competition for the Commission to grant the Revised Combination permanent status. As a consequence of such permanent grant, only WCKY(AM) would remain subject to the existing conditional waiver, with its further common ownership to be evaluated in connection with the Commission's 2004 biennial review of Section 73.3555(c).

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6/ The following count lists WKRC-TV as licensed to Clear Channel, but does not separately list any radio station attributable to Clear Channel. Nor does the count separately list any broadcast station owned by AMFM Media, Inc. ("AMFM"), or its affiliates, as Clear Channel recently has proposed to acquire AMFM.

7/ Following the permanent grant of the Revised Combination, the television stations in the Cincinnati DMA will have eight separate owners. Accordingly, it is Clear Channel's position that this existing combination of one television station and seven radio stations qualifies under Section 73.3555(c)(2)(i)(b). Alternatively, Clear Channel notes that Section 73.3555(c)(2) does not cross-reference Section 73.3555(b) (the Local Television Ownership Rule), and therefore the eight television voices threshold should not be deemed applicable to the Revised Combination.

**ELIGIBLE VOICES IN CINCINNATI DMA AND RADIO METRO: 8/**  
**(as grouped by owner)**

<u>Name/ Call Sign</u>	<u>Freq.</u>	<u>Community</u>	<u>Owner</u>	<u>Type</u>
WRBI(FM)	103.9	Batesville, IN	ARS Broadcasting Corp.	R
WCNW(AM)	1560	Fairfield, OH	Baldwin, Vernon R.	R
WNLT(FM)	104.3	Harrison, OH	Baldwin, Vernon R.	R
WOXY(FM)	97.7	Oxford, OH	Balogh Bestg Co	R
WING-FM	102.9	Springfield, OH	Blue Chip	R
WGTZ(FM)	92.9	Eaton, OH	Blue Chip	R
WIZF(FM)	100.9	Erlanger, KY	Blue Chip	R
WPFB(AM)	910	Middletown, OH	Braden, Ruth &	R
WPFB-FM	105.9	Middletown, OH	Braden, Ruth &	R
WKRC-TV	12	Cincinnati, OH	Clear Channel	TV
WHIO(AM)	1290	Dayton, OH	Cox	R
WHKO(FM)	99.1	Dayton, OH	Cox	R

8/ Data for this table was compiled from 1999 Broadcasting & Cable Yearbook (cable, television and radio data), BIA Investing In Radio '99 (1<sup>st</sup> ed.) (radio data), Arbitron Metro Share Data, Spring 1999 (radio data), and Editor and Publisher International Year Book 1997 (77<sup>th</sup> ed.). To the extent possible, updates to the identify of licensees or call signs were included if known and publicly available.



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<u>Name/ Call Sign</u>	<u>Freq.</u>	<u>Community</u>	<u>Owner</u>	<u>Type</u>
WSCH(FM)	99.3	Aurora, IN	Dearborn County Broadcasters	R
WOBO(FM)*	88.7	Batavia, OH	Educational Community Radio	R
WMOH(AM)	1450	Hamilton, OH	Findlay Publishing	R
Cincinnati Enquirer	205,233	Cincinnati, OH	Gannett Co.	N
WNKR(FM)	106.5	Williamstown	21 <sup>st</sup> Century Media	R
WJVS(FM)*	88.3	Cincinnati, OH	Great Oakes Vocational Services	R
WCET(TV)*	48	Cincinnati, OH	Greater Cincinnati TV Educational Foundation	TV
WPTO(TV)*	14	Oxford, OH	Greater Dayton Public Television, Inc.	TV
WIOK(FM)	107.5	Falmouth, KY	Hammond Bestg	R
WROU(FM)	92.1	W. Carrollton, OH	Hawes-Saunders, Ronita	R
WLWT(TV)	5	Cincinnati, OH	Hearst-Argyle	TV
WGRR(FM)	103.5	Hamilton, OH	Infinity	R
WKRQ(FM)	101.9	Cincinnati, OH	Infinity	R
WYLX(FM)	97.3	Lebanon, OH	Infinity	R

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<u><b>Name/ Call Sign</b></u>	<u><b>Freq.</b></u>	<u><b>Community</b></u>	<u><b>Owner</b></u>	<u><b>Type</b></u>
WCIN(AM)	1480	Cincinnati, OH	J4 Broadcasting Co.	R
WCVN(TV)*	54	Covington, KY	Kentucky Authority for Educational TV	TV
WKON(TV)	52	Owenton, KY	Kentucky Authority for Educational TV	TV
WLMH(FM)*	89.1	Morrow, OH	Little Miami Local Schools	R
WLHS(FM)*	89.9	West Chester, OH	Lakota School District	R
WNOP(AM)	740	Newport, KY	Main Street Comm	R
WFCJ(FM)	93.7	Miamisburg, OH	Miami Valley Christian Broadcasting Assn.	R
WNKU(FM)*	89.7	Highland Heights, KY	Northern Kentucky Univ.	R
WAKW(FM)	93.3	Cincinnati, OH	Pillar of Fire	R
WAOL(FM)	99.5	Ripley, OH	Plessinger Radio	R
WAXZ(FM)	97.7	Georgetown, OH	Plessinger Radio	R
WCVG(AM)	1320	Covington, KY	Plessinger Radio	R
WXIX-TV	19	Newport, KY	Raycom	TV
WTSJ(AM)	1050	Cincinnati, OH	Salem Comm Corp	R

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<u>Name/ Call Sign</u>	<u>Freq.</u>	<u>Community</u>	<u>Owner</u>	<u>Type</u>
Cincinnati Post	76,640	Cincinnati, OH	Scripps Howard	N
WCPO-TV	9	Cincinnati, OH	Scripps Howard	TV
WSTR-TV	64	Cincinnati, OH	Sinclair	TV
WMKV(FM)*	89.3	Reading, OH	Southwestern Ohio Senior Services	R
WMOJ(FM) <u>9/</u>	94.9	Fairfield, OH	Susquehanna Radio	R
WRRM(FM)	98.5	Cincinnati, OH	Susquehanna Radio	R
WGUC(FM)	90.9	Cincinnati, OH	University of Cincinnati	R
WVXU(FM)	91.7	Cincinnati, OH	Xavier University	R

**ELIGIBLE CABLE VOICES IN THE CINCINNATI DMA**

Cable penetration in the Cincinnati DMA is 63 percent.

**TOTAL NUMBER OF INDEPENDENT VOICES IN RELEVANT MARKET 10/**  
**(including one for Clear Channel/AM FM): 37**

9/ Formerly WVAE(FM).

10/ This number potentially could increase in light of any divestitures of broadcast stations to new market entrants resulting from the proposed Clear Channel/AMFM merger.